

S.T No. 03 (06) of 2025
SESSIONS CASE NO. 128 OF 2013
CNR-WBCS01-000139-2023
Present: Sri Sukumar Ray
Chief Judge, City Sessions Court, Calcutta
J.O. CODE NO.WB00590.

Order no. 06 dated 31.10.2025

1. Today is fixed for appearance of the accused persons and hearing of the petition regarding engagement of Nepali-English Translator and evidence of C.S.W.-4.
2. The accused persons, namely, Roshan Giri, Bimal Gurung, Dipen Maley, Prabin Subba, Keshav Raj Pokhrel, Arun Moktan, Tenzing Khambachay (Sherpa), Kamal Sinha, Puran Thami, Keshar Rai, Dawa Sangey Sherpa, Suraj Singh, Kismat Chhettri, Alok Kantamoni Thulung, Sanjoy Tamang, Bhanu Rai, Amol Lama, Nagendra Pradhan, Ashis Tamang, Sona Sherpa, Dinesh Gurung @ Karate Kaila, Babita Ganguly, Naresh Rai, Sunil Rai, Prasant Chhettri @Yogen, Sudesh Rai Majhi, Asha Gurung, Rabin Subba, Anita Lakhandri, Kabita Dahal, Miss. Urmila Rumba, Pema Tshering ola, Sushma Rai, Khagen Tamang, Ruden Sada Lepcha, Edwin Sanchabir Subba, Ranjit Rai, Gautam Tamang, Binoy Tamang, Devendra Sharma, Puran Bahadur Rai @ Puran Rai and Sandhya Gurung, on Court Bail, are present in Court through virtual mode from the Remote Point at Darjeeling Court.
3. The accused persons namely Col. Ramesh Alay and Harka Bahadur Chettri are found absent on calls.
4. The Ld. Counsels appearing through virtual mode from the Remote Point at Darjeeling Court for the above named two accused persons have prayed for allowing them to represent these accused persons through the Ld. Counsel u/s 317 of the Cr. P.C.
5. Ld. Special Public Prosecutor for the CBI and the Ld. Advocates for rest of the accused persons are present before this Court.
6. Heard both sides.
7. Prayer is considered and allowed.
8. Ld. Counsels for the accused persons namely Col. Ramesh Alay and Harka Bahadur Chettri are at liberty to resent these accused persons u/s 317 of the Cr. P.C.
9. Haziras and two petitions u/s 317 of the Cr. P.C. along with copy of annexures filed on behalf of the accused persons are received from the Ld. Civil Judge, Sr. Divn.,-cum- Remote Point Coordinator, Darjeeling. Let those be kept with the record.
10. C.S.W.4 namely Sanyog Tamang is present.
11. Now, the case record is taken up for recording evidence in camera.
12. CSW-04, namely, Sanyog Tamang, is examined as PW-2 by the Ld. Special Public Prosecutor for the CBI in full and he is cross examined by the Ld. Advocates for the accused persons **in full**. Hence, he is **discharged**.
13. As per Gazette Notification dated 15.07.2022, the certified true copies of the deposition of PW-2 is handed over to all sides after obtaining endorsement in the relevant register.
14. A petition has been filed on behalf of the Prosecution stating that the case against the accused persons, namely, Nikkal@ Nicol Tamang son of Late Kumbhalal Tamang and Dinesh Subba @

Kalia son of Desh Bahdur Rai, have been filed for present after completion of the process of section 82 of Cr.P.C. vide order dated 09.07.2012 and 18.04.2017 of this case and the accused persons are still absconding and therefore, it is prayed for declaring these accused persons as proclaimed offenders u/s 82 of the Cr. P.C.

15. Perused the same and let the same be kept with the record.

16. A petition along with a copy of order dated 21.08.2025 passed by the Hon'ble High Court at Calcutta in connection with C. R. M. (M) 1101 of 2025 has been filed on behalf of the accused person namely Puran Bahadur Rai @ Puran Rai stating that in compliance with the direction of the Hon'ble Court at Calcutta the accused/petitioner is furnishing his current address outside the jurisdiction of Darjeeling and Jalpaiguri districts i.e. The Yakha Retreat and Spa, 14 Miile, Upper Echhey, P.S.-Kalimpong, District-Kalimpong, Pin-734315 and the mobile number he is using is 7406632375 and therefore prays for keeping the particulars on the record.

17. Perused the copy of solemn order dated 21.08.2025 passed by the Hon'ble High Court at Calcutta in connection with C. R. M. (M) 1101 of 2025. Let the same be kept with the record.

18. None moves the petition regarding engagement of Nepali-English Translator.

19. Accordingly, hearing of the petition regarding engagement of Nepali-English Translator is adjourned today for the ends of justice.

20. Another petition so filed by the accused persons namely Sunil Rai and others is received from the Ld. Civil Judge, Sr. Divn.,-cum- Remote Point Coordinator, Darjeeling praying for an order for examination of prosecution witnesses from the remote point at Darjeeling Court on the ground stated therein.

21. Ld. Special Public Prosecutor for the CBI submits that Prosecution is willing to file written objection.

22. Let the petition be kept with the record.

23. Ld. Special Public Prosecutor for the CBI submits that he wants to adduce evidence of CSW-13 on the next date fixed.

24. Heard. Considered. The prayer is allowed.

25. Fixing **04.12.2025** for appearance of the accused persons, hearing of the petition regarding engagement of Nepali-English Translator, hearing of the petition dated 31.10.2025 filed on behalf of the Prosecution, hearing of the petition dated 31.10.2025 filed on behalf of the accused persons, W/O, if any, in the meantime and evidence of C.S.W.-13

26. Issue summons accordingly.

27. Requisites at once.

28. The Hon'ble High Court at Calcutta has *vide* Notification No. 3097-G dated 16.12.2021, published in the Kolkata Gazette on 24.12.2021; framed the Rules for Video Conferencing for Courts. Consequently upon analogous reading of the solemn direction of the Hon'ble Supreme Court of India in Transfer Petition (Criminal) No. 238 of 2017 as well as the Rules for Video Conferencing for Courts of the Hon'ble High Court at Calcutta, this court has no hesitation to hold that for this present case record, the City Sessions Court, Calcutta is the 'Court Point'.

30. In consideration of the fact that there has been no specific petition made from the end of the defense in consonance with the direction of the Hon'ble Supreme Court of India mentioned hereinabove, this court in terms of Rule 5.3.2 of the Rules for Video Conferencing for Courts, is of the considered view that the District Court at Darjeeling is the best fit location for acting as the 'Remote Point' for the trial of this case record. Needless to mention in this respect that in consideration of the sensitive nature of the case record, this court is of the view that the District Court at Darjeeling is the best location to be used as a remote point to rule out possibility of any foul play.

31. Accordingly in consideration of the facts and circumstances of the case, this Court hereby appoints Shri Sourav Roy, Learned Registrar, City Sessions Court, Calcutta to act as 'Court Point Coordinator' in this case record.

32. Let a copy of this order be communicated to Ld. District Judge, Darjeeling with a request to appoint a 'Remote Point Coordinator' for this case until its conclusion and communicate the same to this Court. Such communication to the Ld. District Judge, Darjeeling should include the contact details and email id of the Court Point Coordinator for establishing necessary communication with the Remote Point Coordinator.

33. It is directed that trial via video conferencing in this case record would be done using the 'Google Meet' Platform, link whereof would be created by the Court Point Coordinator and communicated to the Remote Point Coordinator in advance. The accused persons are accordingly directed to appear before this court, in this case record on all dates, via video conference from the Remote Point so fixed by the Ld. District Judge, Darjeeling; unless this court otherwise directs.

34. Accused persons, on bail, are as before.

35. Let a copy of this order be sent to the I.O. of this case through the Ld. Special Public Prosecutor for the CBI for information and necessary action.

Dictated and corrected by me,

Sd./-

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Chief Judge
City Sessions Court
Calcutta

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Calcutta